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KING & SPALDING
1185 AVENUE OF THE AMERICAS
NEW YORK NY 10036-4003

MAILED

JUL 09 2010

OFFICE OF PETITIONS

In re Patent No. 7,618,747 : DECISION ON REQUEST
Audemer et al. : FOR
Issue Date: November 17, 2009: RECONSIDERATION OF
Application No. 10/518,560 : PATENT TERM ADJUSTMENT
Filed: August 31, 2005 : and
Atty Docket No. 13566.105013 : NOTICE OF INTENT TO ISSUE
: CERTIFICATE OF CORRECTION

This is a decision on the petition filed on January 19, 2010, which is being treated as a petition under 37 CFR 1.705(d) requesting that the patent term adjustment indicated on the above-identified patent be corrected to indicate that the term of the above-identified patent is extended or adjusted by nine hundred seventy-five (975) days.

The petition to correct the patent term adjustment indicated on the above-identified patent is **GRANTED to the extent indicated herein**. The patent term adjustment is corrected to indicate that the term of the above-identified patent is extended or adjusted by **One thousand one hundred-thirteen (1113) days**.

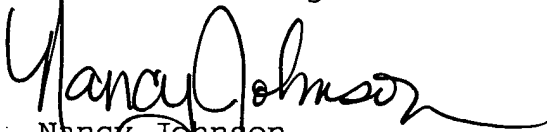
The "B" delay period is 726 days, not 443 days. Patentee calculated this period based on the date this application fulfilled the requirements of 35 U.S.C. 371. However, in an international application, this period is based on the failure of the Office to issue a patent within three years after the national stage commenced under 35 U.S.C. 371(b) or (f). See 1.702(b). Further, in this instance, the national stage commencement date is Monday, November 22, 2004. The priority date of this application is June 21, 2002. As the requirements for early commencement were not met, the national stage commenced in this application at the end of the thirty-month

period. As the expiration of the 30-month period pursuant to 35 U.S.C. 371(b) fell on a Sunday, the period expired on the subsequent business day. See PCT Rule 80.5. Accordingly, the commencement date is Monday, November 22, 2004. Thus, "B" delay is 726 days, counting the number of days beginning on November 23, 2007 and ending on November 17, 2009, the date of issuance. See 1.703(b). Therefore, the patent term adjustment is 1113 (532 + 726 - 145) days.

The Office will *sua sponte* issue a certificate of correction. Pursuant to 37 CFR 1.322, the Office will not issue a certificate of correction without first providing assignee or patentee an opportunity to be heard. Accordingly, patentees are given **one (1) month or thirty (30) days**, whichever is longer, from the mail date of this decision to respond. No extensions of time will be granted under § 1.136.

The application is being forwarded to the Certificates of Branch for issuance of a certificate of correction. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by **One thousand one hundred-thirteen (1113) days**.

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3219.


Nancy Johnson
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT : 7,618,747 B2

DATED : November 17, 2009

DRAFT

INVENTOR(S) : Audemer et al.

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by 532 days

Delete the phrase "by 532 days" and insert – by 1113 days--